

REMARKS

Favorable reconsideration of the subject patent application is respectfully requested in view of the above amendments and the following remarks. Claims 1-11 are pending in the subject application, with amended Claim 1 being in independent format. This Amendment and Reply After Final is being filed within three (3) months from the mailing date of the Final Office Action mailed March 7, 2006.

Claim 1 has been amended to recite: "A transporter for a foldable tent comprising: (a) a case comprising a plurality of side walls, a closed upper end, and an open lower end; and (b) at least one transport device releasably connected to the case at its lower region, the transport device comprising a horizontal plate which engages below the tent and supports the tent, and wherein the at least one transport device is releasably connected to the tent by way of a fastening means."

It is urged that support for all the above amendments may be found throughout the specification as originally filed and that none of the amendments constitute new matter or give rise to prosecution history estoppel.

Claim Rejections – 35 U.S.C. §102(b)

Claims 1-5, 8, and 9 are rejected under 35 U.S.C. §102(b) as being anticipated by *Taube et al.* (U.S. Patent No. 6,279,926). This rejection is respectfully traversed, particularly in view of the above amendments and the following remarks.

The Examiner alleges that *Taube et al.* discloses a transporter comprising a case 200 with an opening in the lower region and a handle in the upper region, and a transport device 210 with horizontal and vertical plates 300 and a strip or fastening means 420 for securing the case to the transport device.

Amended Claim 1 recites: "A transporter for a foldable tent comprising: (a) a case ~~which is open near a lower region~~ comprising a plurality of side walls, a closed upper end, and an open lower end; and (b) at least one transport device releasably connected to the case at its lower region, the transport device comprising a horizontal plate which engages below the tent and

supports the tent, and wherein the at least one transport device is releasably connected to the tent by way of a fastening means.”

Unlike the inventive transporter, the wheel system disclosed by *Taube et al.* does **not** teach or suggest a case comprising a plurality of side walls, a closed upper end, and an open lower end. As shown in Figures 1 and 2, applicant’s inventive transporter comprises a case 1 that is provided with a plurality of side walls, a closed upper end, and an open lower end. The open lower end allows a horizontal plate 4 to be pushed below case 1. In contrast, *Taube et al.* teaches a wheel system provided with a tube-shaped luggage 200. As shown in Figures 5 and 6 of *Taube et al.*, tube-shaped luggage 200 is **not** provided with a plurality of side walls and an open lower end. Instead, tube-shaped luggage 200 is provided with a tube shaped outer shell and a closed lower end.

Taube et al. therefore does **not** disclose each element of the claimed invention and does not anticipate amended Claim 1. Claims 2-5, 8, and 9 depend from Claim 1 and necessarily include each of the limitations of Claim 1.

It is urged that Claims 1-5, 8, and 9 are not anticipated by *Taube et al.* and that the present rejection of the claims under 35 U.S.C. §102(b) may thus be properly withdrawn.

Claim Rejections - 35 U.S.C. §103(a)

Claims 6, 7, 10, and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Taube et al.* in view of *Winton* (U.S. Patent No. 5,879,022). This rejection is respectfully traversed, particularly in view of the above amendments and the following remarks.

The Examiner states that *Winton* does not disclose detachable wheels or a longitudinal zipper and alleges that *Winton* teaches a cart comprising detachable wheels 58 with outer rings and hub 44, wherein said wheels can be stored in an upper chamber 30, cover 20, and longitudinal zipper and that it would have been obvious to one with ordinary skill in the art at the time of the invention to provide the transport of *Taube et al.* with the detachable wheels and compartment with cover and zipper of *Winton* in order to compact the transport for storage.

Claims 6, 7, 10, and 11 depend from amended Claim 1 and necessarily include each of the limitations of amended Claim 1. The teachings of *Taube et al.* are discussed above. *Winton*

does **not** teach or suggest a case comprising an open lower end. Therefore, *Winton* does not remedy any of the deficiencies noted in *Taube et al.* Accordingly, Claims 6, 7, 10, and 11 cannot be obvious in view of the combined teachings of *Taube et al.* and *Winton*.

It is therefore urged that *Taube et al.* in view of *Winton* would not render Claims 6, 7, 10, and 11 obvious to one of skill in the art, and that the present rejections of under 35 U.S.C. §103(a) may be properly withdrawn.

Conclusion

In view of the above amendments and remarks, applicant believes that he has addressed all of Examiner's concerns. Early consideration and allowance of all the pending claims is respectfully requested.

Respectfully submitted,

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